

COMMISSIONERS APPROVAL

CHILCOTT *gc*

LUND *LLP*

THOMPSON *act*

TAYLOR (Clerk & Recorder)

Date.....April 12, 2006

Members Present.....Commissioner Greg Chilcott,
Commissioner Betty Lund and Commissioner Alan Thompson

Minutes.....Glenda Wiles

The Board of County Commissioners met at the Ravalli County Airport with Airport Manager Red Caldwell and Members of the Airport Board for discussion and possible decision on Hangar lease site #195 and #199, other fuel farm sites and fuel issues, road improvements and the seat base issue. The visit included a walk around the airport and a meeting in the airport maintenance building. Also present were Civil Counsel James McCubbin and several leaseholders at the airport. (Note: Glenda was not present for the walk through, but was present at the meeting in the maintenance building. Those minutes follow.

Red stated the issue at hand is the request to allow Pogo Pumps the ability to utilize site #199. Max Martz and Big Sky Aviation previously leased this site. Mark Fournier owns Pogo Pumps and site #199. They were purchased on February 24, 2006. The Airport Board has approved this site for a fueling system. Red indicated Pogo Pumps plans to have a larger fuel tank capacity than what was originally proposed by Max. (Which could be 8, 10, or 12,000 gallons in size). It was noted that Mr. Fournier also owns Viper Air due to some confusion on the Board's part. Site #199 was also known as #40 when leased by Max Martx.

Red presented a schematic of Pogo Pumps self-fueling site for the Board's review; he noted a proper bill of sale has been produced between Max Martz and Pogo Pumps.

Airport Board Chair Dave Hedditch stated the Board only approved the transfer of the lease between Max and Pogo Pumps. They did not approve of any other issues, such as the increased size of the tanks or refueling issues.

Red stated the no-build line is within the site. It was noted by the Commissioners that there has been no formal public hearing on the ALP change in order to accommodate the no-build zone.

Red stated he had received a memo from John Styba dated April 3rd. This memo approved location B (the location by the Beacon) for #199, with the contingency that the apron and taxiway be paved and with approval of the State Fire Marshall. John also stated this change must be shown on the next ALP.

Dave suggested they wait to delay any decision on this issue until the Rules/Regulations and Commercial Standards are updated. It was noted the Airport Board would be meeting to discuss these rules and standards on May 2nd, after which the Commissioners would need to have a public hearing. Airport Board Member Betsy Kratofil stated they should review the environmental issues.

Mark Fournier of Pogo Pumps stated his business has invested \$100,000 in aircraft, trucks, etc., for a business to be located at this airport. This investment has been based on the rules and commercial standards that are already written and in place. He stated it would be unfair to him and his business to be allowed to start something and then have the rules and standards changed in the middle of this process.

Doug McLaren stated he is the owner of an aircraft located at the Ravalli County Airport. He felt it is important for the Commissioners to follow the state and F.A.A. rules. He also stated it is the Commissioners responsibility to addresses planning, safety and security at the airport. Economic impact is also an important consideration and splitting the 'pie' on the FBO's might lead to economic failure. He stated this issue is no different than zoning the box stores.

Mark indicated this issue has been going on for years. This site has been reviewed and approved. In a comparison of airports, Ravalli County has more private aircraft traffic than Great Falls. He advised the Commissioners they were digressing by continuing to review this site and asked if the last three years of discussion and approval meant anything.

Tex Irwin stated the Commissioners should look at the changing needs of the airport. He felt the airport growth will be phenomenal and the rules and regulations do not address the capital outlay. He advised the Commissioners to address this issue and other issues, such as staffing and housing in order to be fair for all to compete. Tex stated if Pogo Pumps meet the requirements, then that business should be able to move forward.

Mark stated the precedence at the airport has been to obtain the footprint of what has been done. The Airport Manager has followed the guidelines. He addressed the Grant Assurances, which state in part "you cannot have exclusive rights at the airport".

Commissioner Chilcott stated he would like Civil Counsel James McCubbin to review this issue. James stated from the previous research conducted, it is not the Commissioners' decision to see if a business can be sustained. That is for the market to decide. He stated it is important for the Commissioners to:

- Make sure the proposal is in compliance with the FAA
- The proposal must be in compliance with the ALP and regulations

- The Commissioners do have the discretion to decide the 'appropriate place at the airport', which is not the same as exclusivity
- Fuel sales must be FBO (utilizing the FAA definition of FAA)
- If this proposal by Pogo Pumps is the same proposal as Max Martz and Jack Valance, the Commissioners should approve of the site. If it is not the same approval, then they are 'starting from square one'

Commissioner Thompson stated the Commissioners did not like some of Jack and Max's proposal; they agreed to allow the development because Jack owned the existing fuel tanks. There was a lounge, and a partnership between Martz and Valance. But this proposal by Pogo Pumps seems different and he does not want to cause Pogo a bigger problem by approving of it now and then having a problem later. He stated he must review the ALP and did not want to make any decisions today. After this morning's walk-through, he stated it is important for him to take some time and 'digest the information'.

Airport Board Member Theresa Ekberg stated in regard to a commercial site, this is less than 2 years old. This particular site fell into 'those standards' and the Board did not request a complete development schedule. She also stated Pogo Pumps refused to supply the necessary information to the Airport, but they have supplied the information to the Commissioners. She felt Pogo Pumps refusal to submit the necessary information to the Airport Board indicates they have not complied with the process.

Mark commented his hangar was for commercial purposes and Viper Air did not need Airport Board Approval, just the Commissioners' approval. He noted when North Star proposed a 2,000- gallon tank the Airport Board approved; based on the fact that it was allowed under State and Federal requirements. His hangar will meet the standards and it would be built to code under the Fire Marshal's approval.

Commissioner Chilcott stated they have overlooked the volume capacity of the tanks. He stated the vendor, in this case Pogo Pumps, is saying the tanks are bigger, better and safer. But he is not convinced. He also stated when the Commissioners approved this site for Big Sky Aviation (Max and Jack) it was approved as a 2,000-gallon tank on skids. This proposal is different, as Pogo Pumps is proposing 8-10,000 gallon storage. He stated the lease to Big Sky was agreed upon based on certain services of an FBO, (North Star also has the status of an FBO), but in this case he does not see Pogo Pumps as an FBO, which was part of the Commissioners' criteria.

James advised the Commissioners if they do not feel this proposal is the same commercial proposal as approved before, they need to review it for location, size, etc.

Commissioner Chilcott asked Mark why Pogo Pumps did not give the information to the Airport Board. Mark stated they provided the detail, but not the actual plan due to the competition issue (the competitor would review the plan and work against it with others). Mark stated there is no level playing field at the airport. Because of those concerns, they proposed a footprint. He stated he has the FBO status, as did Jack. He also stated he met the standards as written and required. Mark also expressed concern that this project is

being delayed at a high economic cost to him and his business. He stated the grant assurances do not allow discrimination. Mark relayed that North Star Aviation does not allow him to utilize their aircraft but other individuals are allowed to, and in that regard North Star is discriminating against him. Because of this discrimination, he has had to purchase a plane and have it insured for certain purposes.

Steve Wolters, owner of North Star Aviation stated they have rental agreements in place and their insurance carrier only allows 'instrumental directors' the ability to use the planes. He stated this is a standard in the industry and in his business 'it is a must to have insurance approval'.

Commissioner Chilcott stated the 'question of the hour' is if the lease for #40 is consistent with the proposal for #199.

Commissioner Lund stated it is not. She stated they discussed and approved a 2,000-gallon tank on skids, and the skids were required due to the possible shift of the runway. This proposal is 12,000 gallons with no skids and is quite different. She stated Mark's proposal may be better and they may approve it, but they need to review it first.

Mark stated this proposal is on pads and it is not a permanent structure.

Commissioner Thompson stated he did not feel this was discrimination in any way, as they are simply looking at the facts.

Commissioner Chilcott stated they are looking at consistency in what was granted and what is being requested. He stated the finding of fact is the difference of capacity. He further stated the Commissioners have never made a significant decision on the airport without the Airport Board's input.

Commissioner Lund made a motion to postpone the transfer of #195 (which is also known as P-2) and #199 (which is also known as #40), until the previous minutes are reviewed, they meet with Red and have further discussion with the Airport Board Members. Commissioner Thompson seconded the motion and all voted "aye".

In regard to the fuel storage issue, discussion included the loading area to the south of the tanks and the use of a connector road.

Commissioner Chilcott stated they would like to promote storage of fuel and not have the fuel by active aircraft.

Red stated if they want to promote that type of storage, the fuel should go to the south side.

James stated the only issue is to meet the applicable standards and have it approved by the Fire Marshal or engineer.

Red stated the Fire Marshal gave him 'the book' which addresses the compliance issues. James stated the plans could be revised, but they should obtain a certification that it is in compliance with the Fire Marshal.

Commissioner Chilcott stated the Board has agreed to utilize the engineers in order to make sure the standards are met. The question is whether they have to move everything to the south away from the road. He noted that North Star Aviation has agreed with this, based on future recovery costs from other fuel vendors.

Steve stated the transport truck could not make the right-hand turn with an 85'-long rig. Also, unloading to the front (the east side is the easiest). This would put the containment area out of the traffic. He stated he has already invested in what is located there now.

Dave Hedditch stated they discussed this but not as an Airport Board. He stated they could weigh in on this discussion if the Commissioners wish them to. They would have to do that after May 2nd.

Red stated he would address information of the Uniform Fire Code with the Airport Board.

In regard to the S.E.A.T. base issue, Red stated the Forest Service has inventoried the area to the east of the maintenance building (snow removal equipment building). They can service two plans for two S.E.A.T bases. The 100' X 120' area will consolidate the areas into one place.

Commissioner Thompson stated they should explore this, as it frees up some ramp area. Red stated the Road Department could include fill material at no charge. He would like to pursue a bid for the excavation of the road and sell the topsoil or swap it for services.

Commissioner Chilcott stated this should be built to County specifications.

In other business, Commissioner Lund made a motion to approve of the commercial lease #508 with Paul O'Bagy. Commissioner Thompson seconded the motion and all voted "aye".

Commissioner Thompson attended a meeting of the Park Board.

Commissioner Chilcott attended a meeting of the Board of Health.

Commissioner Lund attended a meeting of RCEDA

Commissioner Lund attended an evening meeting of the City of Hamilton Planning Board.

The Commissioners held an evening public hearing on the resolution for interim zoning, limiting the size of large-scale retail sales and service establishments and Interim Zoning Regulations. Present at this meeting were Civil Counsel James McCubbin, County Attorney George Corn, Interim Planning Director Karen Hughes and Planner Ben Howell.

Approximately 1,300 citizens were present for this meeting. The legal notice gave the location of this public hearing as the Commissioners' Conference Room, but due to the number of people lined up for this meeting, Commissioner Thompson made a motion to move the meeting to the Hamilton Jr. High Gymnasium. Commissioner Chilcott seconded the motion and all voted "aye".

Commissioner Chilcott called the public hearing to order by reading the legal notice.

(Please note: due to the acoustics in the gymnasium many comments were inaudible. A digital recording was made but the echo did not allow many of the names or comments to be heard in full.)

Commissioner Chilcott reminded everyone to be respectful of one another and asked that there be no clapping or cheering when people were talking. It was estimated the crowd to be approximately 1,300 in number; therefore, each person was asked to limit their comments to one minute.

Those in favor of limiting the size and design standards raised their hands. Those who do not want to see any zoning resolution raised their hands.

Staff report by Karen Hughes:

I am Karen Hughes, Interim Director of the Planning Department.

Commissioners, before you tonight are the proposed interim zoning regulations and the interim zoning resolution to address large scale retail sales and retail services establishments, which were prepared by staff from the planning department and the County Attorney's Office at the direction of the Board of County Commissioners. As has been noted, the proposed regulations apply countywide to the unincorporated areas of the County.

- The zoning resolution provides the legal argument for urgency under which interim zoning regulations for large scale retail sales and retail services establishments would be adopted. It also outlines the public process that has occurred to date.*
- The statement of urgency or emergency is a requirement for enacting interim zoning.*
- As you know, any interim zoning that may be adopted is temporary. It lasts for a period of one year and it can be extended for a second year. During the interim zoning period, the County is obligated to move forward with planning and/or permanent regulations. Of course any permanent regulations would be required to go through the full public review process.*

The proposed interim zoning regulations include two key components: a size cap for retail sales and retail services establishments and a set of design standards that apply to those establishments that are between 25,000 and 60,000 square feet. Staff

prepared the design standards to try and address the scale and community character issues that were identified during previous public meetings on this subject.

- *The size cap is proposed to be 60,000 square feet.*
- *The design standards address a number of factors such as setbacks, required architectural elements in the building design, and standards for parking lot design, bicycle and pedestrian facilities, landscaping, signage, lighting, fire protection, screening, and storm water drainage. It also requires that traffic impacts be addressed.*
- *Due to the short time period we had for preparation, we borrowed liberally from other jurisdictions that have adopted design standards.*
- *In addition to the design elements, the regulations also include a number of general provisions related to administering the rules including definitions, zoning permit review, board of adjustment and variances, how to deal with nonconforming structures, and enforcement.*

I believe this gives an overview of the proposals before you. We would be happy to answer any questions you may have when you start your deliberations.

Public comment was then called for.

Proponents:

Lee Kierreg lives on Skalkaho South of Hamilton. He is involved in developing the language for this ordinance. They are making an effort to create a compositional zoning for zoning compatibility, and to be harmonious to the valley. He stated this is not about restricting business.

Pam York, Hamilton, said she is upset about the potential of box stores. She bought a book entitled 'Wal-Mart Effect', an objective account of what happens to communities where Wal-Mart sets up shop. She read, in the first two sentences of the book.

Commissioner Chilcott cautioned this hearing is in regard to the size of retail stores; keep it generic to size of retail stores, not specific to Wal-Mart.

John Tarpin of Eastside Highway stated he agreed with Pam York. He would like to see some reasonable zoning rules, not this great growth, on a lot of promises that will not be kept. Keep it fair and reasonable.

Carla McDonald of Hamilton would like a size cap and does not need a large box store. She was brought up in Wyoming. 'They' tell lies, and they have only gotten worse since they started in Wyoming.

Bryon Bailey of Hamilton stated Wal-Mart has dirty secrets. He left a flyer, written by John Sweeden of the AFL-CIO.

Eva Ruthleredge of Corvallis states she has spent most of her life here. These are part-time jobs at minimum wage. We must limit the size of retail establishments to 60,000 sq. ft. or less.

Jean (unknown last name) of Corvallis stated she came here from Atlanta and worked for Win Dixie. Win Dixie was the 2nd largest retail store in seven states. In the last thirteen years where Win Dixie was located, the little stores went bankrupt when big box stores moved in.

John Foltz of Hamilton is not anti-growth or business, but he did not move here for economic opportunities. No one comes here for that. He came for the quality and character of a small town. That is why most of us are here. We should do all we can to preserve it. This is the first step for other well-planned growth in valley.

Ensign Addict relayed this isn't about one store; it's about the way we live. Look at Reserve Street in Missoula. Who wants that in Hamilton?

Unknown name from Stevensville has lived in the valley for 23 years. He applauds the Commissioners for taking this step. He encouraged them to follow the Growth Policy which considers human impacts, resources and open spaces, etc. Encourages the Commissioners to take the next step

Linda Perry Turney of Hamilton commended Commissioners on this ordinance as 'a wonderful first step in planning' to control light pollution, noise, etc. She stated it would be bad to go down the river and see Super a Wal-Mart.

Bob Scott lives in Hamilton. He urged the Commissioners to pass the ordinance and limit the size of retail stores. Most of us here are here for this. Vote tonight.

Paul Martin of Nez Perce stated he left California one year ago. Full-time employment in Big Box stores is only 9.63%. Less than 10% of the employees are full time, so most of the employees will get minimum wage. They do not have to give health benefits and the employees are on welfare so the rest of the taxpayers pay for the hospitalization of their employees.

Joan Perry of Dutch Hill Road in Hamilton would not like to see something over 60,000 sq. ft. She stated she priced 13 items at Super One and then went to the three stores in the valley. Wal-Mart charges \$.31 when the other stores only charge \$.30 for a particular item. Therefore there is no savings.

Rick O'Brien of Hamilton stated he is in support of the zoning measure. He is pro-business and enterprise, but the county needs to establish our standards. He checked a page out of

Wal-Mart's web site; they show one store at 42,000 sq. ft. and it is well within the design cap being proposed in Ravalli County.

Rick Furhman of Hamilton likes the character of our valley. He would like a size cap. He urged the Commissioners to adopt the interim resolution tonight.

Gail Knox lives in Corvallis. She stated this is a timely resolution. She congratulated the Board of County Commissioners for their perception of need. She said we need to act on this and this is the first step for what should follow. We need strong leadership to retain the rural character in Ravalli County. We need the farms and ranches, etc. This is what we want for our County, and what we leave to our children.

Joan Marie Conner in Corvallis stated she wants to stay here. She appreciates the Board of County Commissioners' efforts and this is important. She shops in Missoula, but she shop locally here, too. Keep the valley the way it is now.

Helen Bibler stated she is a 4th generation Bitterrooter. She moved to California for one year, but came back home. This is unique and you should not even give Wal-Mart an option to build here. Please limit their size.

Larry Campbell of Darby stated he believes in self-reliance and believes the valley can handle their economy. We need to put local economy first.

Stuart Dobbins of Hamilton stated he has seen other towns that have the big box stores and the 'for sale' and 'for lease' signs go up on the small stores. The Board of County Commissioners has the opportunity to stop this now. Don't miss the opportunity.

Victoria Howell, President of Stevensville Main Street Association stated they support the limit on retail stores' size. It keeps with our main street stores that are locally owned and operated.

Dan Severson of Stevensville stated his family has lived here 102 years. He attended the meeting on behalf of his 35 employees, family and business. He secured 585 signatures and all but 6 people that he talked to supported this ordinance. He urged the Commissioners to adopt this ordinance and to stay within 60,000 sq. ft., as is within our valley character.

Phyllis Bookbinder lives in Corvallis. She stated is in support of this emergency zoning, but is concerned about the process of zoning and planning. She stated she was disappointed in the Commissioners because they wait until there is an emergency. She reminded them to remember their campaign brochures, of leadership and being pro active. We need more planning and asked them not to wait for more emergencies.

Jim Whitney of Hamilton stated we live in the County and our children go to school here. We can shop anywhere.

Jay Pullen, 13 years old stated she loves the mountains. She thanked the Commissioners for taking this into account. She wants to keep Hamilton the way it is for when her kids live here.

Natalie Riehl of Corvallis has a small business. She urged the Commissioners to vote to restrict the sq. ft. of the stores. Restricting is not restricting free enterprise, and it is the responsibility of local government to protect the taxpayers from this exploitation.

Kathleen Driscoll of Hamilton is in favor of this zoning. If they ask for more of the pie than they should have it takes away from others. The retail size cap does not say no, it just makes them take their place in our community.

Nancy Hendrickson is a member of the Hamilton City Council. She urged the Commissioners to adopt this resolution to limit the size less than 60,000 sq. ft.

(Unknown first name) Lange thanked the Commissioners and suggested adopting this ordinance tonight. At an earlier meeting Commissioner Thompson made the comment that when the larger business came in it wiped his business out. The community does not need a super Wal-Mart.

Gary Wilner thanked the Commissioners in their proactive stand. This cap is a good compromise and he is happy the county is looking at traffic, lighting, biking, etc. He urged them to vote tonight. We are friends and neighbors and everyone is concerned about their well being.

Shawn Rockley of Hamilton stated Wal-Mart uses the slave laborers in China to keep low prices. He stated the Commissioners have an opportunity now, and they cannot go back and say we made a mistake; take the opportunity to do what is needed in the valley.

Russ Lawrence of Hamilton stated unplanned growth is the biggest issue ever. This is your chance to do something tonight. You need to plan for commercial development. We need to define what we value. Many groups support this size cap so please approve this tonight.

Jim Dolby supports this. He stated he has received three cards from Wal-Mart. Are they stuffing the ballot box? Please support this zoning.

Jeanie Jones lives on Harmony Way up the hill from the proposed site. Now that it is in her back yard she is really against it. She stated ground water is an issue in their neighborhood and two wells have gone dry. Traffic is an issue; we are building a 4-lane to go to Hamilton; now we will build a 6-lane to bring them to our Wal-Mart.

Dixie Stark stated she is Montana-born and raised. When she changed planes in Los Angeles, she wondered how people could live a life like that. She applauded the Commissioners' efforts.

(Unknown citizen) stated she signed a petition along with 800 others to support the size cap. She stated if the Commissioners wait any longer to address these issues, they will lose the opportunity to handle this. She stated she would like something smaller.

(Unknown name) stated slave labor fills the shelves of Wal-Mart. It must be terrible to live under slave labor. Chinese work for less than Mexicans and the Bitterrooters work for less than them, so when are we going to be qualified as slave labor?

County Attorney George Corn asked the audience to refrain from applause.

Sherry Rowe said the interim zoning keeps our area from turning into an asphalt palace. She asked if Wal-Mart comes in how many stores will close. Look to Missoula and Spokane. There are two Wal-Marts 45 minutes apart in Missoula. Why have one here?

Ryan Mock is for growth, planning and vision. Growth will occur and if we do nothing and allow uncontrolled expansion with no vision. He stated he wants to control our growth for our citizens. He supports this first step as without it he fears the local stores we have will disappear. He said we could buy a 24-case of soda for \$4.99 at Wal-Mart, instead of \$5.99 at our local stores. \$1.00 a case is \$.04 cents a can. Don't give up our valley for \$.04 a can.

Linda Cardones of Stevensville thanked the Commissioners for this first step to preserve and protect the public interest in the valley. She urged them to take the next logical step. She doesn't want a feed lot next to a stream and 580-lot subdivision on top of Lee Metcalf Wildlife Refuge.

Jan Mickel is a proponent of free enterprise, but choice is good and we need to plan for our community with that choice. Environmentally, we do not want to destroy the value of life in our community. Our small business can compete with large businesses.

Rea Kierge said the Growth Plan was developed and it is 'just sitting there'. She encouraged the Commissioners to pass this zoning and actively plan. She asked if the Planning staff actually plans or are they just bogged down.

Liz (Unknown last name) said big box stores are interested in our valley, but they should come on our terms. We should take the direction and responsibility. The zoning is reasonable and fair to all retailers. A community lost is never retrieved.

Lara Garber has a vegetable farm south of Hamilton. She wants a strong economy and protection for our agricultural community and their opportunity for small business.

Ian Holland was born and raised in the valley. He is a bookkeeper and interested in dollars. This is not anti-business; this is only saying that we want all business to compete on a fair playing field. Small business will employ him. Wal-mart will not.

Steve Elliott said he has sold to every grocery store in the valley for 25 years. He is supporting the local stores.

Mr. Rull of Corvallis made an inaudible comment.

Margaret Burke has lived in the valley for 43 years; the spirit is still here. We do not need a Wal-Mart here. They manipulate and want more.

(Unknown name) lives south east of Hamilton. Her family stated they picked Ravalli County and Hamilton to live in because they like the small town character. We find what we need in town. We are big supporters of this first step. Maintain a reasonable character of our community.

(Unknown name) of Hamilton asked the Commissioners to please vote on this tonight. Control responsible growth and limit the square footage of the store size.

(Unknown name) talked about the business owners in Montana and asked them to think about the contrast what the Hamilton image is today versus tomorrow. The Bitterroot Valley is the last best place. We are unique and we need to speak up and do it now. Limit the 60,000 sq. feet and adopt the zoning.

Rory Mullus loves Ravalli County. He asked the Commissioners to do the right thing.

Veronica, age 13, goes to Hamilton Junior High School. She would like Wal-Mart because it is cheaper to buy clothes than in the downtown shops; \$10.00 goes further in Wal-Mart.

Art Kinetico stated zoning allows us to control our valley.

(Unknown name) stated we are unique and the Board of County Commissioners need to protect us. We love our valley.

Shawn of Stevensville shook the Commissioner's hands. He stated they need to do the right thing and stated he would like to see a unanimous vote in favor of this size cap. This is an emergency, take the next step for subdivisions and limit those also.

Chuck (unknown last name) of Corvallis asked the Commissioners to remember the song they 'paved paradise and put in a parking lot'. He then thanked the Commissioners for their proactive actions. Please limit the size and reminded them also that we should be following the Growth Policy.

John Marquand of Corvallis moved here 6 years ago. He stated supporting this will support and help our beautiful valley.

Chuck of Stevensville has lived here for 28 years and he is concerned for the future of our valley. Need to continue on with the rest of the plan.

Laura Rourken is an artist and she is inspired with what I see in this valley. She would like the Commissioners to pass the size cap limitation in order to preserve what we have.

John Gab has lived here for two years and he has seen big box stores. He has also worked for the largest corporation in the United States. He saw first hand the major corporations like Wall Mart, their terms and conditions what they do to the townships. He urged the Commissioners to move forward with this in order to preserve our future.

Pat Tucker supports the interim zoning. 73 cents on every dollar stays here. Only 43 cents in big stores stay in the area. Local economy benefits from local stores. Two years ago, a neighbor of his needed a Prescription at 0230 in the morning. A local store filled the prescription; Wall Mart would not have done it.

Fara Campbell advised the Commissioners to pass this as she earns \$15.00 an hour and Wal-Mart won't pay her that.

Katie Borin, a thirteen-year Jr. High student thanked the Commissioners for doing this. She likes Wal-Mart and it has lots of things. But she does not think it needs to be a huge super center. She stated she likes the local choices downtown and do not want any of them to have to close down. She takes this valley for granted and does not need to see a big building.

Kalie Lakey stated this might be good for Wal-Mart but we need to limit the store size. Keep it that way as long as we can and do not want to put other stores out of business. Keep it a smaller size.

Linda Dobbins stated she just went back home and it was not home. We are lucky to see smiling faces here, and in big cities we did not know each other. We will lose our character. Hamilton is special, and when we lose it we can not go back.

Janie Shackley please vote tonight as this is an emergency. She stated the Commissioners will just be putting this off. She asked who builds the high ways, where do the law enforcement and fire services come from, who pays for food stamps for those employees who work at Wal-Mart. She stated they need local businesses because the money stays here.

Ray Hertz of Polson stated he loves Montana and is concerned about growth. Big box stores do not fit into our lifestyle. We live here because of the natural beauty and life style. This is an assault on all small communities in Montana and we need to control our growth locally and not allow large corporations to control our growth. We must pass this ordinance and it will inspire other communities. Keep Montanan the last best place.

Barbara (unknown last name) is a teacher and lives here because she chose to. She came here in 1999 from a place where to cities were decimated because of the big box stores. She stated she drives this valley everyday, and if the Commissioners do not deal with planning now, we are going to lose our greatest resource.

Amy Alkely has lived here most of her entire life. She stated this is a beautiful place. When box stores came in where we she lived in other areas, it ruined the community. We need to support local businesses.

(Unknown name) stated when Hamilton dressed up their Main Street it was good for the valley. She asked how many taxes the large corporations are going to pay. We will have to pay for those services. She stated water problems will occur and we need to limit Wal-Mart to other retail size stores in our community.

Lisa Wilson trains young people. She came from Minnesota. They came here to organize a farm and without local support she could not sustain her family farm. Large box stores do not support local business.

Jennifer Holmes is a dairy farmer. She stated this is not about whether you are rich or poor, or shop at Wal-Mart; it is about design and the size cap. We have a dairy and we need grass. These stores contribute to pavement, and residential sprawl. We have invested a lot of money....cows need grass.

William Spalic of Hamilton supports this resolution and the local business men.

Steve (unknown last name) lives on Eastside Highway. He stated he is not going to say congratulations to the Commissioners, as this interim zoning is reactive to the Growth Policy. The Growth Policy was put into the Commissioners hands twice and they did nothing. And now the Commissioners are seeking emergency zoning. He stated they should have done the zoning before this. He advised them to be pro active from here on out. He stated the citizens gave countless volunteer hours, and now in 'an emergency' the Commissioners are impacting the whole valley.

Tom Anderson stated he is a fourth generation Hamilton resident. He stated the big businesses are out of state people and they do not keep the dollars here. The local businesses keep the dollar here. The large super centers will take our community away and we are in the last best place. The Commissioners should say 'no' right now.

Wes Matson business owner in Hamilton for 27 years stated he has shopped big box stores, and he will again when he drives to Missoula. Then he will enjoy the beautiful drive back to our small town. Please limit the big box stores.

Much applause.

Opponents to the size cap now spoke.

(Unknown name) stated there are 30,000 residents in county and everyone has the right to be heard from. She stated shoppers should have a choice.

Shirley Rowe of Darby stated she sent her Wal-Mart response card in and they emailed her back stating the survey shows a 2 to 1 in favor of the Super Center store. She stated she sees tonight is just a time to talk negative about Wal-Mart. She asked if they are coming to Ravalli County and what the big deal was. She stated competition is good and we need a Wal-Mart.

John Kissel of Corvallis stated the timing of this ordinance is suspect. He stated he believes in free enterprise and free enterprise promotes the health safety of the county. Rocky Mountain Lab is 305,000 and Corixa is expanding also. Will the county stop them?

Paul Moore stated he has lived here 35 years and spends 90% of his money in Missoula. I would like to spend it in Hamilton. He goes to Missoula three times a week. He stated this county is not just for people with big incomes.

Jerry Grandstand of Corvallis has a small business. Wal-Mart sells the same as he does but he competes with them and he wins. He stated he can serve people better as a small businessman. Good service and produce is what he provides. Wal-Mart does not scare him.

Theresa Eckberg stated government is supposed to stop any group from imposing things on the citizens. Wal-Mart does not impose a law on her; it is a choice she makes. She stated the Commissioners should not banish her choice by the size of the building. She stated we should embrace the freedoms our nation allows us and we should never fence anyone out.

Theresa Wilson supports stated she supports the Growth Policy and open space. She wants a zoning plan but objects to restricting the size. She is retired and saves money at big box stores. She also shops at smaller stores. She stated she would shop in Hamilton instead of going to Missoula if the big box store was here. She stated they do benefit people with low incomes. She stated the Commissioners should allow this to come into valley.

Jennie Stoards of Golf Course Road is for planning and zoning, but the Commissioners should not make any emergency decisions for the citizens. She stated this is no surprise they are coming and the Commissioners should have done their jobs.

(Unknown citizen) addressed a law that states the interim zoning must be an emergency. He questioned the timing of this because the Montana Supreme Court defines vehicles accidents. What is the danger, as this has been coming for a long time. She stated there are many single females in this area and do we make the moms drive Highway 93 in order to get to Missoula.

(Unknown citizen) of Corvallis cited the number of septic tanks which means that many families that need the business here. She asked why the Commissioners don't limit the lab sizes, or why not tell the developers they can not build homes 10 feet apart because of the fire danger. She is a single mom, and local business paid her \$5.35 per hour with no benefits. She stated this is a labor issue not a growth issue.

Marie Watts, a business owner, stated if they build a Wal-Mart she will never go to Missoula again. And she will always go to the local stores.

Rea Lan of Hamilton does shop at local stores and does not see a problem with 60,000 sq. feet. She stated Wal-Mart will bring in more jobs for the community and they are open 24 hours per day.

Jeff Vadheidm asked how people many shop in Missoula? He stated he wants to keep that money here is this county. Why drive to Missoula? He earned \$16.00 pr hour at Wall Mart and had benefits. He stated they were awesome to work for.

(Unknown citizen) of Corvallis stated this meeting is not a true representation of the valley. Most are not here form the other areas. This will impact the whole valley and this is not an emergency situation.

Charles Wissenback stated everyone is always afraid of something new. He asked what the employment and prices would be if we did not have competition. He stated this issue should be settled economically not politically. They should be grandfathered in if the interim zoning is passed.

May Simms of Hamilton does not think big box stores are such a bad thing. She says a Virginia town got better with a Wal-Mart. She also felt this meeting was not a representation of the valley. She said many people were too scared to put up their hand or come up and speak because they would be jeered. She knows 37 people who are for big box stores but they could not come tonight. She advised the Commissioners to put the issue on the ballot and let the people decide with a reasonable and rationale decision.

Bob (unknown last name) of Stevensville worked on the Growth Policy. He stated if this is an emergency, the reasons given are not very valid.

Susan Driggers stated the local stores offer something different than the big box stores, and they cater to tourism. This all about free enterprise and planning for free enterprise. She would like to see a Wal-Mart come to town.

(Unknown citizen) of Hamilton stated she is the mother of four. She stated she is always looking for easier and simpler ways and a Wal-Mart store in this area will offer her a bigger selection and option. She was concerned about big business, but they will be supported by the people. She does a lot of shopping on line because I can not find things here. Poverty due to Wal-Mart? 600 more jobs won't do that.

Jonie (unknown last name) moved here from Florida 2 years ago. She stated this is a chanagan on the part of the Commissioners. Change is a good thing and we can either grow or curl up and die. Her husband works in Missoula and she would like to see him work here. We have a lot of money leaving our county and the money should be staying here.

Mary Wilkins stated she likes Wal-Mart and does not have anything bad to say about them. She stated they go to Missoula, do their shopping, eat out and then have to come back. There are a lot of people that do the same thing. She stated the Commissioner create the big subdivisions, and then do not allow any big box stores to service the people.

(Unknown citizen) asked the Commissioners if they are going to stop Donaldson's and open pit mining, expansion of airport, the parking lot expansion at Mildenerger Motors and Forest Service from expansion. He suggested they take that into consideration.

Wayne Husby stated he works for Wal-Mart and he is not on food stamps. He said people don't have to shop there if they don't want to.

(Unknown citizen) from South Carolina moved here 2 months ago. She has seen a lot of Wal-Marts. The Commissioners should regulate what the buildings look like. There are some nice buildings that Wal-Mart builds and they can do that here.

(Unknown citizen) stated this is another bureaucratic wilderness and their honor and dignity is by revenue. This is not a good thing by the river. You need more space for this store.

Sandy Baetel, can not buy clothes for her teen age son. She wants and needs a Wal-Mart here, because she spends their money in Missoula. Her sister worked for them at \$7.50 per hour. They paid good money, more than some business in valley.

Sona Wordes lives out of state and use to work here. She is on social security and must shop at Wall Mart to buy her groceries.

Tonya Bloom Corvallis supports the ordinance.

Dave (unknown last name) is a resident and supports the resolution, but feels it is reactionary. This is not planning and not the way to plan. He stated they need to look at appropriate land use. He felt they all want development and jobs, but we need to say what we like and where we want it. Appreciate the attempt, but this is a little too late.

No further comments.

Commissioner Lund stated she counted 82 who supported the ordinance and 28 did not support it.

Commissioner Thompson stated this is not easy decision as they have had a lot of letters and emails. He stated this issue is not about one particular store, but rather big box stores. He stated America is about free enterprise and this resolution still allows enterprise, it just limits the size, allowing us to take care of Highway 93 and the river and we retain our rural character.

Commissioner Chilcott stated he has struggled over the concept of government stepping into economy and protectionism but he has some concerns about the location of ingress and egress and volume of traffic, for public health and safety, water quality and water degradation due to the river proximity. He also noted he has concerns about how they arrived at the 60,000 square feet cap. He asked Russ Lawrence how they arrived at that size cap. Russ stated a committee was put together by the Chamber of Commerce. As they reviewed other size caps they settled on this amount and suggested it to the county.

Commissioner Lund asked Russ if the size cap for Ravalli County was divided by an average. Russ stated he did not want to speak to the entire process, but he was un-aware if that type of that calculation went into it.

Commissioner Lund stated in order to figure out a cap of 60,000, if they took the largest stores in Ravalli County, added them up and divided the amount of stores, she comes up with 36,800 square feet. With a 4% growth she figures a square foot amount at 60,000.

Commissioner Thompson stated in L.A. the average size of the big box stores were being limited to 60,000. And 60,000 appear to be rather high for our valley.

Commissioner Chilcott stated the interim zoning allows more research. The Planning Office and County Attorney's Office did fine job and this community owes them a round of applause.

Commissioner Chilcott stated he is still uncomfortable with the 60,000 square feet, and does not want it to be arbitrary and capricious. He stated they need to come up with something they can support. He encouraged people to stay in tune with process as this is their first step in the zoning process.

Commissioner Lund thanked everyone for emails (141 supporting ordinance 14 supporting big box stores).

Commissioner Thompson made a motion to adopt the resolution that would establish interim zoning for large scale stores. Commissioner Lund seconded the motion. Discussion: Commissioner Chilcott stated they need to work expeditiously for permanent zoning and design standards. This is a good start and the county has room for participation. Commissioner Lund believes as they work on this, they will find room for change but they need to get this done now. All voted "aye".

Resolution passed (see Resolution No. 1844).